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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

H. LEIGHTON LASKEY, )  
 )  
Plaintiff, )  
 )  
v. ) C.A. No. 06-018-JJF  
 )  
PFC. ROBERT C. LEGATES, )  
PFC. WHEATLEY and JOHN DOE, )  
Supervisor on duty at )  
Millsboro Police Department, )  
 )  
Defendants. )

**MOTION FOR LEAVE TO FILE A MEMORANDUM OF  
POINTS AND AUTHORITIES IN LIEU OF AN OPENING BRIEF  
OF DEFENDANTS PFC ROBERT C. LEGATES, PFC WHEATLEY AND  
"JOHN DOE" SUPERVISOR ON DUTY AT MILLSBORO POLICE DEPARTMENT**

Defendants PFC Robert C. Legates, PFC Wheatley and "John Doe" Supervisor on duty at Millsboro Police Department request permission to file a Memorandum of Points and Authorities in support of their Motion to Dismiss pursuant to Dist. Ct. L.R. 7.1.2. (b) in lieu of an opening brief. In support of their Motion, defendants state as follows:

1. Dist. Ct. L.R. 7.1.2. (b) provides that " the Court may order or the parties may agree to serve and file...statements of points and authorities in memorandum form in place of briefs."

2. Plaintiff is pro se. The arguments set forth in defendants' Motion to Dismiss do not require complex factual or legal analysis.

WHEREFORE, defendants PFC Robert C. Legates, PFC Wheatley and "John Doe" Supervisor on duty at Millsboro Police Department respectfully request permission to file a Memorandum of Points and Authorities in lieu of an opening brief.

AKIN & HERRON, P.A.

/s/ Bruce C. Herron  
Bruce C. Herron  
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Attorney for Defendants  
PFC Robert C. Legates, PFC  
Wheatley and "John Doe"  
Supervisor on Duty at  
Millsboro Police Department

SO ORDERED this 22 Day of June, 2006.

Dated: June 21, 2006

